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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

OREGON FIREARMS FEDERATION, INC.,
et al.,

Plaintiffs,

v.

TINA KOTEK, *et al.*,

Defendants.

Case No. 2:22-cv-01815-IM (Lead
Case)
3:22-cv-01859-IM (Trailing
Case)
3:22-cv-01862-IM (Trailing
Case)
3:22-cv-01869-IM (Trailing
Case)

**DECLARATION OF MATTHEW
FRENCH IN SUPPORT OF
PROTECTIVE ORDER**

MARK FITZ, *et al.*,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, *et al.*,

Defendants.

KATERINA B. EYRE, *et al.*,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, *et al.*,

Defendants,

and

OREGON ALLIANCE FOR GUN SAFETY,

Intervenor-Defendant,

DANIEL AZZOPARDI, *et al.*,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, *et al.*,

Defendants.

I, Matthew French, declare under penalty of perjury, pursuant to 28 U.S.C.

§ 1746, that the following statements are true and correct to the best of my knowledge:

1. I am over 18 years of age, competent to testify, and have personal knowledge of the matters stated herein. I make this Declaration in support of plaintiffs' motion for a protective order.

2. I am the Vice President, Compliance, of Sportsman's Warehouse, Inc. ("Sportsman's Warehouse") and am qualified to submit this declaration on behalf of Sportsman's Warehouse. I have served in this role since 2003.

3. Sportsman's Warehouse is an outdoor sporting goods retailer headquartered in the state of Utah with 131 stores across the United States.

4. Sportsman's Warehouse sells firearms, ammunition, and associated shooting sports accessories. Each Sportsman's Warehouse location has a Federal Firearms License ("FFL") that is granted and regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF").

5. Sportsman's Warehouse has 8 locations in Oregon, serving hundreds of thousands of Oregon residents. Sportsman's Warehouse locations in Oregon include: Portland, Albany, Bend, Hillsboro, Klamath Falls, Medford, Roseburg, and Salem.

6. Last year, Sportsman's Warehouse sold tens of thousands of firearms in Oregon.

7. Ballot Measure 114 requires customers obtain a "permit-to-purchase" before Sportsman's Warehouse can initiate a transaction for a firearm. To my knowledge, no law enforcement agency has yet certified any individual or organization as an instructor for purposes of Ballot Measure 114 in any of the jurisdictions in which Sportsman's Warehouse has stores in Oregon.

8. Further, it is my understanding that there is no application has yet been promulgated by the Oregon State Police. Upon expiration of this Court's stay on the implementation of Ballot Measure 114 and upon the expiration of the Temporary Restraining Order issued by Judge Raschio in Harney County Circuit Court Case

#22CV41008, no Oregon resident (with the possible exception of some law enforcement personnel) will qualify to purchase a firearm at any Sportsman's Warehouse location until such time as permits can be issued by the relevant law enforcement agencies.

9. Absent the orders issued by this Court and the relevant state court which has delayed the implementation and enforcement of Ballot Measure 114, Sportsman's Warehouse would have been unable to continue selling firearms in the state of Oregon as, on the date Ballot Measure 114 went into effect, there was not a functional permitting process in place that was capable of issuing the permits required by Ballot Measure 114. To the best of my knowledge, the State of Oregon has not yet launched a functional permitting process.

10. In Defendant's First Set of Interrogatories, Defendant has requested that Sportsman's Warehouse disclose (i) the revenue Sportsman's Warehouse Inc. obtained from the sale of firearms in Oregon in each year from 2018 to 2022, (ii) the revenue Sportsman's Warehouse Inc. obtained from the sale of firearms that came with a magazine that had a capacity of more than 10 rounds in Oregon in each year from 2018 to 2022; and (iii) the revenue Sportsman's Warehouse Inc. obtained from the sale of firearms that came with a magazine that had a capacity of 10 or fewer rounds in Oregon in each year from 2018 to 2022.

11. Sportsman's Warehouse is a publicly traded company that commenced trading on the NASDAQ Global Select Market on April 17, 2014 under ticker symbol SPWH.

12. Because Sportsman's Warehouse is a publicly traded company, absent a protective order, the public disclosure of detailed, confidential, and nonpublished sales

figures over a period of four years has the potential to significantly affect Sportsman's Warehouse's stocks at a detriment to our stockholders.

13. Additionally, absent a protective order, the public disclosure of detailed, confidential, and nonpublished sales figures over a period of four years will provide competitors to Sportsman's Warehouse with an unfair business advantage over Sportsman's Warehouse.

DATED this 10th day of April, 2023.



Matthew G. French
Vice President, Compliance
Sportsman's Warehouse

CERTIFICATE OF SERVICE

I hereby certify that on April 12, 2023, the foregoing **DECLARATION OF MATTHEW FRENCH IN SUPPORT OF PROTECTIVE ORDER** will be electronically mailed to all parties enrolled to receive such notice in lead case no. 2:22-cv-01815-IM and in the trailing consolidated case nos. Case No. 3:22-cv-01859-IM, 3:22-cv-01862-IM, and 3:22-cv-01869-IM.

s/ James L. Buchal
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